

# SPEECH OF HON. J. R. GIDDINGS, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

MONDAY, MARCH 18, 1850,

*In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.*

Mr. GIDDINGS said he regarded it as very desirable that gentlemen should understand each other, and that the issue between us should be defined, in order that the country might understand distinctly the questions on which we differ.

Complaints are made and reiterated by Southern gentlemen, that we are encroaching on the rights of the slave interest; but there is an apparent reluctance to come down to particulars, and to define those rights which they allege have been invaded. The gentleman from Georgia [Mr. Toombs] told us, in bold language, that *this is a pro-slavery Government.* But how far, or in what respects it is such, he has not pointed out. Was it founded solely, or in part, for the support of slavery?—for the purposes of oppression? He tells us that we *"are bound to maintain the dominion of the slaveholders over their slaves with our blood;"* that we *"are bound to carry slavery wherever our flag floats and we have exclusive jurisdiction."*

Now, if this be the doctrine of the Constitution, gentlemen of the North ought to understand it. Duty admits of no medium course, by which we shall keep our covenant in part, and violate it in other parts.

We of the North, also, complain of encroachments upon our rights. These should be pointed out with precision and maintained with firmness, or they should be abandoned and surrendered. There is no intermediate course consistent with duty. I, for one, discard all compromises, and reject all offers to compromise. I came here to enforce, to carry out the provisions of the Constitution, not to compromise, nor to surrender the rights secured to us by that instrument.

I regard the constitutional obligations of this Government towards the institution of slavery as too obvious to be misunderstood by statesmen. The line of demarcation which separates the people of the free States from the support of slavery has been so plainly drawn, that it would seem no intelligent, unprejudiced mind could mistake it. It is, however, true, that much obscurity is thrown upon the subject by the ingenuity and the sophistry of those who profess to reason upon it.

Much has been said about slavery being the creature of municipal law. Men in both political parties now urge, that "slavery cannot exist, unless sustained by municipal law." They say that this is the doctrine of jurists; that the most profound judges have so decided. Others deny this doctrine. Now, what is the fact? History

shows us that it was introduced into Virginia, and existed there for years, without any municipal regulation or authority. We know from history that it existed in each of the slave States of this Union long prior to the enactment of any laws on the subject. It found its way into Oregon, into California, Deseret, and, if we are to credit reports, it has been in New Mexico, without any law. It has been sustained in all those States and Territories, not by municipal law, but by the superior physical and intellectual power of the white over the colored people. This was slavery in fact, but not in law. For instance: slavery continued in Ohio, even against the provisions of our Constitution, and in violation of all our laws, as late as the year 1840. It exists in Illinois to this day. Slaves are there bought and sold, not merely without law, but against law. But when those slaves become intelligent, and claim their rights before any court, the judges say that "slavery is the creature of municipal enactment; that there is no such enactment in Illinois, and therefore there is no slavery in that State." The judge means by this, there is no legal slavery there; while all are aware that negroes are there held in abject servitude, are oppressed and degraded, sold, and transferred from one professed owner to another, for the reason that the existing laws of that State are not enforced.

In a state of nature, the rights of all men are equal; but the superior intellectual and physical power of one man is often exerted to subject others to his will. In that State, however, each possesses the right of self-defence. Not so in slave States. There, the right of the slave to protect his liberty, or his life, is taken away by the laws of such State. For instance: if a slave in Virginia lifts his hand against his master in self-defence, the master may at once slay him with impunity. But this right of the master depends on the law of that State; and the moment the master goes beyond the jurisdiction of that State, this right ceases. Let him bring his slave to Ohio, and the moment they stand on our soil, under the jurisdiction of our laws, the slave becomes a man, possessing the equal rights, and powers, and privileges, with the master. Such is the case whenever they go beyond the jurisdiction of Virginia into free territory.

These principles have often been advanced. They were familiar to our fathers. They had been declared by the courts of Great Britain, prior to our Revolution. Slavery at that time

was discountenanced in all the colonies, excepting perhaps South Carolina and Georgia.

My colleague [Mr. CAMPBELL] has shown in an able manner, that the objects of the people of the South, before and at the commencement of the Revolution, was the entire abolition of slavery and of all slave laws. These objects were proclaimed in language most direct and appropriate, in 1776, when entering upon the war of the Revolution. After the close of that memorable struggle, the Confederate Congress, in 1783, sent out an address to the People of the United States, penned by Mr. Madison, in which they say, "Let it be remembered, finally, that it has been the pride and the boast of America that the rights for which she contended were the rights of human nature." These sentiments then prevailed in all the States.

Each State at that time held jurisdiction over its western territory, and, so far as its ships were concerned, over the high seas. Thus the laws of Virginia extended over her northwestern territory, and over all ships belonging to the people of that State while sailing upon the high seas; and slavery, of course, existed both in that territory and on board every ship thus subjected to the laws of that State.

In 1786, she ceded her territory to the United States. The jurisdiction was transferred, her laws ceased to be in force there, and slavery ceased with them. By the Ordinance of 1787, Congress consecrated that vast region to freedom, by ordaining that slavery should never more exist there. This was expected by the people. They desired it. Up to this period, each State held jurisdiction upon the high seas, and slavery continued to exist there. But the convention then in session for the purpose of framing the Constitution, desired to make the high seas, also, free. South Carolina and Georgia insisted on retaining the slave trade; Northern members would not go into a union with a people devoted to that commerce, with powers to continue it indefinitely; and a compromise of the subject was the result.

By the 8th section of the first article of the Constitution, the States surrendered to Congress all jurisdiction over commerce and navigation of the high seas; and by the ninth section of the same article, it was provided that Congress should not prohibit the slave trade until the year 1808.

This stipulation, connected with the history of its adoption, shows, in the most conclusive manner, the hostility then existing against that commerce in our own species. All expected that it would be abolished at the earliest moment at which Congress should possess the power to carry into effect the wishes and intentions of the people. Acting in accordance with this expectation, Congress prohibited the importation of slaves, under heavy penalties, by statute enacted in 1807, but which did not take effect until the first of January, 1808.

This compromise of the Constitution has been fully carried out. The South enjoyed the benefits of the slave trade for the time stipulated, and the whole matter has passed by forever. Yet, this compromise is cited by the gentleman from Georgia, to sustain the doctrine that this is a "pro-slavery Government," and the power given by the Constitution for Congress to pro-

hibit slavery under our flag, after 1808, he construes into an obligation to protect it, in all coming time, wherever our flag may float. Such is the monstrosity of the slaveholding construction of the Constitution.

The gentleman from Georgia also cites that clause of the Constitution which relates to fugitive slaves, for the purpose of proving that we are bound to maintain the master's right to his slave with our blood. Under the old Confederation, when a slave escaped into another State he became free. At the formation of the Constitution, an amendment was presented, making it the duty of the free States to arrest and imprison fugitive slaves in the same manner they do fugitives from justice. But the amendment was rejected. The matter was compromised by a stipulation that the free States should "*pass no law nor regulation by which the slave should be discharged from the service of his master.*" The construction which this clause has received from the Supreme Court, makes it the duty of the free States, not to act, but to abstain from action.

Now, sir, I am not aware that any State has passed laws to discharge fugitives from service. On the contrary, I believe every State has abstained from such legislation. That constitutes the whole duty of the free States. They owe no further duties on this subject under the Constitution. We live up to our compact. We admit it to the full extent. There we stop. This stipulation can imply nothing further than is expressed. It has relation to fugitive slaves only. No inference beyond that can be drawn from it. How gentlemen can infer from this clause that we are bound to maintain the power of the master over his slave with our blood, is another of those monstrous assumptions which slaveholders are accustomed to make, but for which they can assign no reason whatever.

There is no action obligatory upon the free States. They fulfil their whole duty by abstaining from action. Ohio does this, and I believe all the free States do it. The last clause of the paragraph, which, referring to the fugitive slave, says, he "shall be delivered up, on claim of the person to whom such service or labor may be due," has no reference to State legislation, or State action. That proposition was rejected by the Convention. The Supreme Court of the United States have placed a construction upon it. They hold that it refers to the individuals of the State, imposing upon them the duty of permitting the master to take the slave, in the same manner that we surrender up our friends to the officers of justice. They have decided that it is the duty of individuals not to secrete, or to defend, the slave against his master. They admit that the individual may act in aid of the master, but deny to the State all power of acting on the subject.

It is worthy of remark, that this is the only instance in which Congress is authorized to legislate in favor of slavery. On this point it is conceded that we may pass laws. But by this clause of the Constitution we are only authorized to legislate for the arrest and return of fugitive slaves. It is left for us to act agreeably to the dictates of our own judgment. We have the power to pass further laws for this purpose, or we may repeal the law of Congress now in force on that subject. But it gives us no power to go fur-

ther in support of slavery, and to pass laws for the protection of that institution within the States. Such interpretation would be a perversion of language, and of the intention of those who framed the Constitution. It was intended to give the master a right to reclaim his fugitive slave, and to Congress power to aid him in reclaiming such fugitive. Here the right and the power end; they extend no further. Nor has the gentleman from Georgia [Mr. Toombs] informed us in what manner or by what rules of construction he infers any power in Congress, under this clause of the Constitution, to protect slavery wherever our flag may float; or that it is our duty to *protect it with our blood*.

The next compromise of the Constitution to which the gentleman from Georgia [Mr. Toombs] refers, is that of the slave representation as provided in the 3d clause, 2d section, of the 1st article of the Constitution. In regard to this article, it would appear that no difference of opinion could possibly exist. There can be no doubt that it was intended to give the slave States an advantage over the free States. The slaves are not represented in this Hall, nor can we legislate for their benefit; but the slaveholders have a representation here, in proportion to the number of slaves they hold in bondage, counting five slaves equal to three freemen. For more than sixty years the slave States have enjoyed this privilege. No man has ever denied it to be their right under the Constitution. But it is equally plain that this clause was intended to give no further privilege. It alludes to no other subject, and cannot be construed to give any other powers. The gentleman [Mr. Toombs] referred to it to show that this is a slaveholding Government; that we are bound to maintain the master's power over his slave with our blood; and to carry slavery wherever our flag floats. But the way and manner he brings this clause to sustain his positions, he has failed to show us. I repeat, that the whole object and intention of this clause has been thus far observed and carried out. South Carolina has now three representatives on this floor more than she would be entitled to, according to the number of her freemen; and twenty members from the slave States are admitted here solely by virtue of this superior advantage which the slave States possess over the People of the North.

It gives to the South an influence over our rights and interests, not according to their love of freedom, but proportioned to their disregard of liberty. The holder of five slaves exerts an influence in this Hall and in the Federal Government equal to four citizens of the free States; and the owner of a thousand slaves possesses political powers equal to six hundred citizens of the North.

I know of nothing more humiliating to the pride and dignity of our people than this inequality of our political influence. We are placed in a political position between the supercilious master and his crouching menial; superior to the one and inferior to the other. It was a compromise of Northern honor. It gave a bounty to oppression; bestowed privileges upon those who disregard "self-evident truth," and trample upon the inalienable rights of man; it has taught Northern men to regard slaveholders as politically entitled to superior consideration; it has taught us subjection to slaveholding dictation.

It was the force of this feeling which constrained Northern members on this floor to surrender up their own independence, and for years to unite with the South in excluding from consideration all petitions in relation to freedom; passed your gag rules; struck down the freedom of debate; sealed the lips of those who advocated the doctrines of political equality; and for many years held the National Government subservient to the slave power. It was this principle which for half a century caused Northern men to tremble at Southern threats to dissolve the Union; which now calls together the timid and the irresolute in our commercial cities, to pass resolutions against the maintenance of our own rights. The same feeling of servility is also manifested by a portion of the Northern press, which is always ready to advocate every slaveholding policy. Yet, sir, we abide by the compact. The slave States, from the adoption of the Constitution to this day, have enjoyed this privilege of a superior representation in this hall and in the elections of President and Vice President. No Northern man has objected to carrying out this provision, which, of all others, is the most destructive to our interests and wounding to our pride.

But, sir, this concession was never intended to extend beyond what it plainly imports. It gives to the slave States no other privilege than that of representation agreeably to the number of their slaves. It imposes no obligation, whatever, upon the people of the free States to maintain the "master's power over his slave with our blood," nor does it impose upon Congress the duty "to protect slavery wherever our flag floats." Nor can any inference, whatever, be drawn from this clause of the Constitution beyond its plain and obvious apportionment of representation and direct taxation.

In order to establish the duty of this Government to sustain slavery we are referred to the obligation imposed upon us to "protect each of the States from invasion, and against domestic violence."

This provision extends to the free as well as to the slave States. History informs us that the rebellion in Massachusetts was the occasion of its adoption. Mr. Madison informs us that members from the slave States assured the Convention that they neither needed nor required any provision of the kind. But no man can mistake the object and design of this section. We are bound to protect every State from invasion. This protection is thrown around the State, including all the people therein; the righteous and the wicked, the bond and the free, the black and the white, the hardened assassin, and the innocent child, are all protected: And you may allege that this clause was adopted to protect pirates and murderers, with the same propriety that you can assert it to have been adopted to protect slaveholders or any other men of a particular character.

The same reasoning applies to the suppression of domestic violence. We are bound to protect the whole people of the State against domestic violence. We do not institute an inquiry as to the character of the people! We do not ask whether they are slaves or masters, white or black, righteous or wicked. The insurgents are shot down by our troops without inquiring who

they are! The master found in arms is shot down precisely as the slave, and the insurgent slave is butchered with just as little ceremony as the insurgent master. Indeed we know of no distinctions in such case. Our troops have nothing to do with *slavery*; their duty is to quell the violence. That done, every slave in the State may walk off to Canada, in full view of our army, and they possess neither the right nor the constitutional power to interfere, or in any manner to prevent their escape. But in case of invasion, or of insurrection, the power of the Government in repelling the one or suppressing the other is unlimited by the Constitution. The whole physical power of the nation may then be brought into action for that purpose, and if deemed necessary by the Executive, who is the commander of the army and navy, he may liberate every slave in such State for the purpose of saving the people or of restoring peace. This is a power, however, lying behind the Constitution, based upon the right of self defence, upon the duty of preserving the Government, and existing only in time of foreign or of civil war.

And now, Mr. Chairman, I have examined what we so often hear called the "Compromises of the Constitution." They consist entirely in the privilege conceded to the slave States, to continue the slave trade until 1808; to pursue and recapture their fugitive slaves; and to be allowed a representation in Congress proportioned to the number of their slaves. They have no further claims whatever in favor of slavery. Beyond these, we are bound to act for freedom; for the political equality of all men; for the maintenance of "the rights of all to life and liberty." Aside from these, the people of the free States possess the clear and indisputable right to be separated, and entirely exempted, from all participation in the support of slavery, to be purified from its moral guilt and entirely absolved from its disgrace. If we do not thus separate ourselves from its moral and political contagion, it will be owing to the vitiated sentiment and the servile feelings of Northern members. If we remain contaminated with the crimes attendant upon the slave trade in this District and upon our Southern coast, the responsibility must rest upon those Northern members of Congress who are willing to continue their participation in this sale of men and of women, this treason against God and humanity.

But the gentleman from Georgia [Mr. TOOMES] says that we "have heretofore sustained the right of the master to hold his slave upon the 'high seas,' and 'even in foreign ports.'" If this were correct, it would impose upon us no duty to violate the Constitution and defeat the entire objects for which our Government was instituted. But I will examine this point. Until the year 1808, the people of South Carolina and Georgia were *permitted* to import slaves. But they went to Africa at their *own peril*. We furnished them no protection. If, in attempting to seize and enslave the unoffending people of that country, they were slain, all regarded their fate as most just and righteous. When their victims were placed on shipboard, these dealers in human flesh looked not to this Government for protection. They depended upon physical force, upon chains and fetters, the scourge and thumbscrew, the pistol and dagger, for their safety, until they reached the

jurisdiction of the slave State to which they hurried their cargo. There the laws of such State threw its protection around them; and if the slaves subsequently resisted their masters, the powers of the State were brought to the master's aid in holding his victim in subjection. But this permission of the slave trade expired in 1808, and the traffic was thenceforth entirely interdicted. At the same time, Congress restricted the coastwise slave trade, by imposing heavy penalties for transporting slaves from one of our own sea-ports to another, in vessels of less than forty tons' burden, or without filing affidavits that the slaves were not imported after the year 1808; and the slave-dealers now pursue their vocation on our Southern coast at their own peril, precisely as they pursued the foreign slave trade prior to 1808. The United States have passed no law of slavery authorizing one man to hold another as property upon the "high seas." While there, under the exclusive jurisdiction of our laws, the master has no more right to chastise his slave than the slave has to correct his master. The slave has the same right while there to defend his life and liberty which the master possesses. If either, in the act of legally defending himself, slay his assailant, there is no law of the United States, or of any State, or of nature, or of nature's God, that holds him responsible.

These are the doctrines most obviously applicable to this subject. They are clearly deducible from the Constitution, and should, in my opinion, at all times have been firmly maintained.

Yet it is true that the President and Senate have attempted to exert the national influence to establish the power of the master over his slave on the ocean, under the exclusive jurisdiction of our laws; it is also true that, by fraud and deception, compensation was obtained from the British Government for two cargoes of slaves who were made free by being shipwrecked and landing on British soil; but it is equally true that the imposition was discovered, the right of such protection denied, and all such compensation has been for the last twelve years withheld by England, and such claims have long since been abandoned by the Executive.

When in 1840 the British ministers refused to listen to the claims of this Government for indemnity to the slaveholders, whose victims on board the ship *Enterprise* had been manumitted by shipwreck, on the British island of New Providence, a distinguished Senator from South Carolina, [Mr. CALHOUN,] impatient at delay, offered resolutions in the other end of the Capitol, declaring, in substance, not merely that slavery existed upon the high seas on board American vessels, but that such vessels carried with them the relation of master and slave, when driven by stress of weather into the port of a foreign nation. In truth, the resolutions, so far as that body could do, pledged the Nation to sustain the claims of these dealers in human flesh. No member objected to this doctrine, so repugnant to every principle of justice, and so directly opposed to the Constitution and to international law. The voice of Massachusetts, of New England, of New York, and Ohio, was then silent. Not even a vote from the whole North was recorded against these propositions. The spirit of Northern Liberty then slept, so far as that body was concerned;

that voice, which is now so ready to abandon the Wilmot Proviso—so willing for the admission of more slave States—so anxious to give further aid to the slaveholder, as he pursues his trembling victim within our free States, was then silent. That Senator opened not his lips, neither did he vote on that occasion. From an examination of the journal, I discover the name of but one Whig from the free States who voted on those resolutions. He voted for their adoption. The others *appear to have been absent*.

Every Southern Senator of both parties, and all Northern Democrats who voted, gave their support in favor of the resolutions. This was in the year 1840; and soon after that period, one of the Senators [Mr. WEBSTER] who *did not vote* was called to preside over the State Department, under President Tyler.

While he was thus guilting the most important branch of the Executive duties, the case of the Creole occurred. That ship sailed from Richmond, with a cargo of slaves, in October, 1841; while on the high seas the slaves rose, asserted their right to freedom, and slew one of the slave-dealers who attempted to reduce them to subjection, and, guiding the ship to the Island of New Providence, went on shore, and became entirely free. The piratical dealers, who professed to own the people thus restored to freedom, called on the President to aid them in obtaining indemnity for their loss; and Mr. Webster was requested to carry out the doctrine for which he and other Northern Senators had refused to vote. A statesman bred up and educated in New England, one who had long breathed the free air of the North, who had been taught the language of freedom, condescended to become the agent and solicitor of those who deal in human flesh, and to exert his official influence to maintain a commerce in the bodies of men and of women.

The attention of the nation, however, was called to these facts by resolutions presented in this body. The proceeding of the Executive was condemned by all. Not even slaveholders were willing to sustain the doctrine. The further prosecution of their infamous claim was given up. The State Department receded from its position; the celebrated resolutions which were intended to establish new principles in the law of nations, remain a dead letter upon the journal of the Senate. The owners of the slaves of the Creole have pocketed their loss; and the slaves themselves are now most of them British subjects, and a few are freemen, residents of our free States. Yet, sir, these attempts of Mr. Calhoun, aided by Southern slaveholders, and of Mr. Webster, and President Tyler, to commit the nation to the doctrines contended for by the gentleman from Georgia, [Mr. TOOMBS], are now quoted in "both ends of the Capitol, to show that we are "bound to carry slavery wherever our flag floats." This signal failure to sustain the doctrine, is constantly cited by slaveholders to demonstrate its correctness.

The reasoning is of that absurd character which requires only to be stated to be appreciated. The views which I have thus advanced are not new. They have been often asserted here and elsewhere; but it seems that no arguments, no facts, no exposure of the sophistry and the absurdity of slaveholding doctrines, will prevent their repe-

tition; and when reasserted, we are constrained to reply to them.

The gentleman from Georgia also insists that slaves are property; that they have been recognised as such; and that the Government is bound to protect the master's right to the slave in the same manner that we are bound to protect him in the enjoyment of other property. Such was once the opinion of English jurists, but it was in a darker age. The latest decision to that effect in the English courts bears date more than a hundred years since. In 1772, Lord Mansfield denied the doctrine, and combated it with such arguments as to set the matter forever at rest in the courts of Great Britain. From the commencement of the Revolution to this day we have refused to admit that slaves are property. This Government has always refused to pay for slaves killed or lost in the public service. In 1816, Congress passed a law making compensation for property lost or destroyed in the service of Government. Pending the bill, a motion was made so to amend it as to allow compensation for slaves killed or lost while in the public service, in the same manner as the Government paid for other property; but the amendment was rejected by a large majority, there being only thirty-two members in favor of it. In 1828, the case of "D'Au-terive" came before Congress. The slave, horse, and cart of the claimant were pressed into the public service against his consent, on the day of battle at New Orleans. His slave and horse were killed, and cart destroyed; and the owner called on Congress to make compensation. A bill was reported paying for the horse and cart, but refusing to pay for the slave. The claim was of the strongest possible character. It was discussed some weeks, when it was laid on the table, and has never been heard from since. In 1832, the case of Larche, of the same character, was rejected. In 1842, another attempt was made to induce Congress to pay for slaves lost in East Florida by the action of our troops in 1814, but the claim was rejected—only thirty-six members voting for it. During the last Congress, efforts were made to pass bills to pay for slaves, but none of them succeeded. In the 28th Congress, a bill to pay for a slave lost in the Florida war came to this body from the Senate. It was committed to the Committee of the Whole House. I was perfectly aware of its character, and called the attention of my venerable and lamented friend from Massachusetts, [Mr. ADAMS], to it. I know it was his intention to oppose its passage, but on one of those days when bills are hurried through this body under the rules without objection, it passed. I was myself unable to be present, and it escaped the notice of Mr. Adams, and became a law. No man will for a moment pretend that an accident of that character constitutes a precedent or establishes any principle. With this exception, Congress, from the first session under the old Confederation to this day, has rejected the principle that "man can hold property in man." Mr. Madison declared in Convention that "it would be wrong to admit in the Constitution THAT THERE COULD BE PROPERTY IN MAN." To this opinion of Mr. Madison, every member assented. No one controverted it. To that doctrine Congress, as well as the Supreme Court of the United States, has at all times adhered. Yet we are

constantly told that slaves are *property*, and gentlemen appear determined to overthrow, not merely the practice of the Government, the decisions of the courts, and the Constitution itself, in order to sustain slavery, but they seem disposed to repeal the law of nature, and reverse the decrees of God himself, in order to degrade his image to the level of the brutes that perish.

I have now answered all the positions of the gentleman from Georgia which I regard as material. I have paid particular attention to his speech, as I am not aware that any other Southern member has dwelt upon the constitutional obligations of this Government towards slavery. I will now turn my attention to the question of extending slavery into our newly-acquired Territories.

It is constantly asserted that, by adopting the Wilmot Proviso, we shall exclude the people of the South from emigrating to those Territories with their property." They charge us with attempting to create "distinctions between the people of the free and those of the slave States." These arguments are unfounded. The exclusion of slavery is for the express purpose of permitting all men, of every State, and nation, and kindred, and tongue, and people, under heaven, to go there "upon terms of perfect equality." We propose to give to all, the same protection, the same security to life, liberty, and property, to admit of no distinctions except those of moral worth. It is this "equality of political rights" to which Southern men object, and not to the want of it. Their excitement arises from the fact, that we recognise no distinction, that we will permit no man to hold the body of another at his disposal, to deprive him of liberty, to beat and scourge, to degrade and brutalize him. Such are our objects, and such are the objections to them. If, sir, we permit slavery to establish itself in these Territories, we shall show ourselves unequal to the discharge of our duties as statesmen, and insensible to our obligations as Christians—we shall deserve and must receive the censure, the condemnation, of the civilized world. It is not my purpose on this point to travel over ground already occupied. The moral turpitude of permitting slavery and slave markets to be established on territory hitherto consecrated to freedom, has been ably examined by other gentlemen. There is, however, an abstraction, first advanced within the last two years, but now advocated by individuals of both political parties, denying our right to prohibit slavery in those vast regions. I believe the devotees of this new theory admit that, owning the lands and holding the sovereignty of those Territories in our own hands, we may prohibit the robbing a man of his money, his watch, or his horse; but if the robber goes farther, and commits the greatest of all possible crimes, by robbing his fellow-man of his wife and children, of his liberty, his intellectual enjoyments, his future hopes—of himself—such robbery must be permitted, and we have no right to prohibit it.

I stated that this theory was *novel*. It has certainly been discovered since 1776. Then our fathers declared "that Governments were instituted for the very purpose of securing 'the people in the enjoyment of life and liberty.'" Now it is said that, in establishing Government there, we must leave the question of liberty out of view, to be deter-

mined by the people of that country. Who do gentlemen mean by the people? Do they include all persons who now live in New Mexico, or who shall hereafter go there? Do they intend that each human being shall have a voice and a vote on this question of his own liberty? Will they by legislative enactment secure the right of such vote to every man? No, sir; such is not the intention of gentlemen who use this language. They intend that one portion of the people shall determine whether they will rob another portion of their liberty and hold them as *property*. Such is the effect of this policy; yet gentlemen are unwilling to come out before the country and avow this intention in undisguised language.

Again, it is urged that slavery cannot exist there. In the opening of my remarks, I showed that it has existed in Oregon and California, that it now exists in Deseret, and, if we can credit accounts apparently correct, it has existed in New Mexico. In my opinion, the mines of New Mexico will furnish as profitable employment for slaves as can be found upon the face of the earth. That, if permitted, those mines will be filled with a dense slave population. And such we know to be the opinion of slaveholders generally, and they are competent judges. I regard these arguments merely as apologies for leaving the question precisely as slaveholders desire it to be left. Time will not permit me to examine these points further.

While commenting upon the compromises of the Constitution, I spoke of the slave representation in Congress—the political position in which it placed the freemen of the North; that this position was intermediate between the supercilious master and his abject slave. I then called attention to the effect which this degrading position has had upon members of this body, upon the Northern press, and upon the timid and irresponsible men of the North, generally. The question now propounded to us is, *shall this political inequality between ourselves and slaveholders be extended and increased?* Shall we consent or permit the holder of a thousand slaves in the mines of New Mexico to wield the same influence in this Government, and exert the same control over our commercial and national rights and interests, that is held and exerted by six hundred of our intelligent farmers of the North? Now, sir, the motto of our Northern people is, "no slave Territory; no more slave States." We intend to permit no increase of slave power. We will oppose it *now, hereafter, and at all times*; under all circumstances; in all legal and constitutional ways; by every honorable means. The Northern man who hesitates to oppose this outrage upon the interests, the honor, and the constitutional rights of the North, we regard as a traitor to freedom and to humanity.

But, sir, the most insidious treason against freedom and the North is that which urges upon us the propriety of leaving this question of slavery entirely to the electors of the Territories. If they establish it, and form State Constitutions of a slaveholding character, then they urge that each shall be admitted into the Union as a slave State; and every holder of five slaves be entitled to an influence over our national rights and interests, equal to four laboring men of the North. He who embraces this insidious mode of degrading

the Northern character, adds to his moral and political treason, the baseness of duplicity and of cowardice, and is far less entitled to our respect than he who comes out openly, and frankly declares that Northern laborers are less entitled to respect, and less qualified to discharge political duties, than are the slaveholders of the South.

Mr. Chairman, when we say it is our intention to admit "no more slave States," to hold no "slave territory," we mean what we say. On this point we discard the doctrine lately advanced in another part of the Capitol. We totally deny that we are under any moral, political, or constitutional obligation to admit another slave State from Texas. We deny that any contract exists between us and that State. There was a contract proposed, and submitted to the only power in this Government capable of contracting—that is, the treaty-making power. That power rejected it. Texas came into the Union with full notice and full knowledge of these facts. She will not be deceived nor disappointed on this subject, if we refuse to admit a new slave State from her territory. She came in by joint resolution, and not by contract. I then denied, and still deny, that even the treaty-making power could impose on us a union with a foreign slave State upon such unequal terms. But most emphatically do I deny the doctrine that members of this House in 1845 had power to control my vote for the admission of a new State in 1850. They could admit a State, but they could place me under no obligation to act contrary to my own judgment. I am sworn to support the Constitution, and solemnly believe that this increasing and extending of the Slave Power is subversive of the Constitution.

Sir, to admit more slave States, thereby increasing the Slave Power, and surrendering the interests of humanity to the disposal of those who deny the "self-evident truth" of men's equality of natural rights, is not only a palpable violation of the whole spirit of the Constitution, but it is at war with the vital objects, the whole design, of those who established our Government amidst toil and dangers.

The annexation of Texas was conceived and urged, and consummated, with the avowed intention of increasing the Slave Power. I do not charge Northern men with acting on this principle; but we know that the officers of the Government, the Executive, urged it expressly on these grounds. I then denounced it, as unconstitutional in its objects, its designs, and in the manner of its consummation. So too did a distinguished Senator in the other end of the Capitol, who now avows himself ready to vote for admitting these new slave States from Texas, for the very purpose of increasing the Slave Power in this Government.

Sir, what has wrought such a change in the mind of that distinguished Senator? Time will doubtless answer this question. But, sir, holding now, as I then did, that Congress may at any time repeal the joint resolution by which Texas was admitted—that those who voted for that resolution could by its adoption impose no duty on me to vote for admitting other new slave States, I shall at all times oppose such admission. These sovereign States, while united under the same Constitution, must be equal. Texas brought with her no claim whatever to be divided into four

slave States. She can no more claim a division than Ohio, New York, or Pennsylvania. The sole object for such a division is an increase of the Slave Power. To give it greater influence over the rights and the interests of the free States—to enable it more effectually to withstand the progress of truth and justice—to prolong its blood-stained and barbarous system of brutalizing our fellow men.

But, sir, the day has arrived when the tendency, the effects and consequences of our official acts are known and understood by the People. He who now advocates an increase of the Slave Power, may as well openly and frankly avow his opposition to freedom, his hatred of the "inalienable rights" of man; and declare his intentions to sustain oppression and slavery. Our actions cannot be misunderstood in these times. He whose soul is imbued with the love of justice, of liberty, and of his race, will manifest it by his words, by his acts, by his votes. Sir, those acts and votes are "*known and read of all men.*"

It is also proposed to pass further and more stringent laws for the arrest and return of fugitive slaves; to make every postmaster, and deputy marshal, and other petty officer of this Government, resident in the free States, the catchpole of slave-hunters. We are to impose upon them the obligation to leave their shops or their fields, and give chase to the flying bondman as he hastens from the scene of his oppression; to seize the trembling victim of Southern cupidity; to assist in riveting the cold iron upon his chafed limbs, and then to force him back to a land of chains and sighs, and tears and suffering. Yes, sir, it is now gravely proposed that this Congress of Christian men, at this middle of the nineteenth century, boasting that we are surrounded by the most intelligent, free, and virtuous people upon the earth, shall turn our attention and exert our official influence—our legislative power—in favor of the vilest system of oppression known among civilized men; that we shall aid the arrant usurper of the South to hold his grasp upon his fellow-man to compel him to toil and to suffer under the scourge, for the benefit of his oppressor; that we will help rob him of his liberty, his enjoyments, his all, that others may revel in wealth. Sir, I would as soon turn slave-hunter as I would vote for such a law. Yet I do not regret that such a measure is to come before us. I am willing to see members compelled to show their hands. I desire that the country shall understand who is willing thus to degrade the character of American statesmen by prostituting our official powers to such purposes.

But there are circumstances which render such action at this time still more objectionable and humiliating. Since the early history of the State in which I live, men have occasionally come from the slave States and kidnapped our colored people; and when such offenders have been demanded, as fugitives from justice under the Constitution, their surrender by the slave States has, I believe, at all times been refused. Yet, the Representatives of Ohio are now called on to turn round and lend their influence to catch and return Southern slaves! When our free colored people visit the slave States, they are seized, imprisoned, sold, and enslaved; and Southern gentlemen now ask us to pass a law that shall

make it the duty of our postmasters, and deputy marshals, to seize and return to bondage those very citizens of Ohio, should they perchance escape from their oppressors in the South, and return to their wives and children in their native State. Will the Representatives of Ohio vote for such a law?

The citizens of Massachusetts have been seized in Southern ports, enslaved, sold, degraded, and brutalized. They now moan and weep in chains. Representatives of the sovereignty of Massachusetts, when sent to those States, to test their proceedings judicially, have been driven by mob violence from their jurisdiction; and their Legislatures have passed laws, prohibiting, under severe penalties, all persons from prosecuting the rights of such enslaved citizens to freedom.

Sir, while the South thus violates and tramples upon the Constitution, while they treat the free States generally, and Massachusetts in particular, with most sovereign contempt, a distinguished statesman of New England, a representative of Massachusetts, comes forward, and, before the nation, chiding the people of the North for their remissness in arresting and returning fugitive slaves, proposes that we shall exert our legislative powers in favor of Southern piratical slave-hunters.

Sir, the proposition is humiliating. I detest, I execrate such a policy. I have no language capable of describing my own feelings in regard to it. I would as soon legislate to make the people of the free States the slaves of the South, in direct and positive language, as I would vote for such a measure. To me, the slave-hunter is the most detestable human being that lives or moves upon the earth.

We cannot under the Constitution protect or secrete the slave from his master. But the Legislatures of free States may prohibit their own citizens from aiding or assisting the master to track out the panting fugitive, in order again to subject him to the lash and the thumbscrew. Such a law has been introduced into the Legislature of Ohio; and I am free to say, that if there be a crime for which I would hang a citizen of our State, it is that of aiding the slaveholder to seize his trembling victim upon soil consecrated to freedom.

You may pass your proposed law, and it will remain a dead letter upon your statute book. Our people know their rights, they understand their duties to the Government, to their fellow-men, and to their God. The law of kindness, of sympathy for the oppressed, of love to our fellow-men, is written upon our natures by the finger of the Most High. Can you repeal that law of the Almighty? Can you tear from the heart's core our love of justice—our hatred of crime? Sir, no legislation can effect that object.

Sir, we ought not to deceive Southern men. We should say to them, in all frankness and sincerity, that the day for arresting fugitive slaves within our free States has gone by forever. We abide by the Constitution; but that instrument does not give sufficient power to the master to secure his fugitive slave when he once reaches our free States. It has not come up to the expectations of the South in this respect. It fails to fet-

ter the limbs, to stop the flight, of their fugitives. They generally reach Canada, and there find an asylum, and every friend of humanity rejoices at their success.

The Constitution has also failed to protect our colored citizens when they go to Southern States. It has proved defective on this point. We are willing to amend it, but we would strike out the entire provision relating to fugitive slaves. No such clause can find a place in any new Constitution.

In conclusion, I would assure Southern gentlemen, that a portion of our Northern citizens have determined on reforming the abuses which have rendered this nation subservient to the Slave Power.

We wish all to understand distinctly and fully our views and ulterior designs. We intend to limit and confine slavery to its present bounds; to repeal all acts of Congress which sustain that institution; and totally to separate the people of the free States and the Federal Government from all responsibility of sustaining slavery or the slave trade; to restore the Government to the position relative to that institution in which it was placed by the Constitution. We then hope to direct its energies and the influence of the nation in favor of justice, of truth, of liberty, and of humanity.

I am aware of the efforts now making to arrange and to compromise these questions; to quiet this agitation; to roll back the tide of popular feeling now manifested, not only in our free States, but in Europe, and throughout the civilized world. Sir, feeble and impotent are the powers of Congress, when brought in conflict with that rising voice of the people now heard in every quarter of our nation. Can we, by legislation, take from twenty millions of freemen their consciences, their thoughts, their judgement? Can we prohibit their investigations of truth? This struggle has been going on for centuries. Men may denounce it, but it will go forward. Reforms in all ages, and in all nations, have been denounced. Oppression, Guilt, and Crime, always seek silence and darkness; but as intelligence increases, and becomes more and more generally diffused, abuses will be corrected, and the work of reformation will proceed.

For the last twelve years I have watched the progress of this great political revolution. Its advance has been regular, constant, and uninterrupted. I have seen the influence of the Executive, of Congress, of the public press generally, and of politicians, put forth to retard its progress, but they have not even checked its onward course.

The arrogance of the Slave Power has been beaten back; the spirit of Northern servility has been rebuked, and brought into contempt; the freedom of debate has been regained; the advocates of truth and justice have increased, and are already seizing upon the strongholds of oppression. In our State Legislatures, the language of freedom and of truth finds abundant utterance. With the most unshaken confidence, in the assurance of unwavering faith, I expect, at no distant day, to see this Government and the people of the free States redeemed and purified from the guilt and the crime of slavery.